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DEPARTMENT FOR D, DRL, G/IWI AND WHA/CEN

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SUBJECT: ZOILAMERICA NARVAEZ SEEKS USG HELP IN HER IACHR  
CASE AGAINST STEP-FATHER DANIEL ORTEGA

Classified By: AMBASSADOR PAUL TRIVELLI. REASONS 1.4 (B,D).

11. (C) This cable includes an action request. See paragraph  
18.

12. SUMMARY: (C) On March 24, DRL PDAS Jonathan Farrar and poloffs met Zoilamerica Narvaez, the daughter of Rosario Murillo and the step-daughter of Daniel Ortega, to discuss Narvaez's ongoing complaint against the Nicaraguan state before the Inter-American Commission on Human Rights (IACHR). Her case centers on the failure of Nicaraguan institutions to provide due process in her complaint against her stepfather for sexual assault, sexual harassment and rape committed over a period of years. Narvaez seeks USG cooperation to set up a support group in Nicaragua to help her deal with the inevitable Sandinista counterattack. Aside from striking a powerful blow against impunity and corruption in Nicaragua, assisting Narvaez could do real damage to Daniel Ortega's political ambitions, both in this election year and thereafter. END SUMMARY.

THE HISTORY OF THE CASE--A STORY OF JUSTICE REPEATEDLY DENIED  
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13. (U) The Zoilamerica Narvaez legal saga began in 1998 when Narvaez brought rape, sexual assault and sexual harassment charges against Ortega, and the FSLN leader subsequently used his immunity as a National Assembly deputy and his control of the courts to ensure that the case never went to trial. Having protected himself from judicial action, Ortega then actively sabotaged all efforts by the Nicaraguan government (GON) to provide justice to Narvaez via other means (such as an acknowledgment that state institutions had failed to protect her right of due process). As another way of burying the allegations, the Sandinista leader also used his mother and Rosario Murillo in a public relations campaign to whitewash his image and to tar Narvaez as a liar. With justice denied in Nicaragua, Narvaez took her case to the IACHR in 2000, and the Commission accepted it the following year.

14. (C) In 2002, the IACHR asked Narvaez and the then-new Bolanos administration to try to reach an "amicable solution" to settle the case. Both sides agreed, and the IACHR put the case on hold in Washington to allow negotiations to take place in Nicaragua. These negotiations nearly bore fruit--by the fall of 2002 the GON had agreed to issue a public statement admitting that the Nicaraguan state had failed to provide Narvaez justice and was prepared to pay an indemnity to the non-profit foundation for victims of sexual abuse that Narvaez and her husband founded. The then-human rights

ombudsman, Benjamin Perez, was also about to issue an official finding stating that the Nicaraguan state had violated Zoilamerica's right to due process.

15. (C) According to Narvaez, it was at this point politics intruded. At a time when the Bolanos government was bringing corruption charges against ex-president Arnaldo Aleman and seeking to remove him from the National Assembly to face trial, it needed the support of the FSLN caucus in the Assembly. At the last minute, Perez and his office were forced to abandon their plan to issue a finding in Narvaez's favor and the GON backed out of its agreement to settle the case with her. Having thus been denied justice yet again, she subsequently sought to revive her case at the IACHR, but has lacked the financial resources and political support to restart the legal proceedings. Narvaez has repeatedly requested USG help to connect her with people and organizations in the United States that could provide political, organizational and financial help.

NARVAEZ MEETS PDAS FARRAR AND DISCUSSES HOW TO PROCEED

16. (C) During their March 24 meeting, Narvaez told PDAS Farrar that she is anxious for movement in her case, but does not want any public exposure until she and her supporters have fashioned a coherent "winning" strategy to bring the case to conclusion. Narvaez believes that her inability to obtain justice for the sexual and domestic violence she suffered has only worsened the already rampant impunity in Nicaragua for violence against women. She fears that the spectacle of yet another public "defeat" would only convince Nicaraguan women that achieving justice for domestic and sexual violence is an impossible dream, increasing their already strong reluctance to report such crimes. Narvaez also wants to ensure that the USG will continue to support her even after the November elections, whatever their outcome. She feels that in the past, the USG has only actively promoted her case in the run up to national elections and has lost interest thereafter. Narvaez fears being left alone to face the wrath of the formidable FSLN political, legal and propaganda machines, not to mention extra-legal dirty tricks and threats against her and her family.

17. (C) Narvaez presented PDAS Farrar and poloffs a list of individuals and organizations in Nicaragua familiar with the details of her case and that she believes would be willing to support her openly when the case is revived at the IACHR. These include officials at the Presidency, the Attorney General's office, the Nicaraguan Permanent Commission on Human Rights (CPDH) NGO, the local office of the International Republican Institute (IRI), the Women's NGO Network, a handful of women deputies in the National Assembly, and one key media outlet. PDAS Farrar told her that we are committed to helping her and need to find the right mechanisms to do so. Post will approach all of these individuals and institutions to sound them out on the case, and thereafter plans to convene a meeting of key players to establish a group to support Narvaez and discuss strategy. Although most Embassies in Managua are afraid to touch the case because of either its sensitivity and/or their sympathies for the FSLN, Narvaez stated that she will approach the Swedish Ambassador, who is both a woman and outspoken when it comes to matters of corruption in Nicaragua.

18. (C) ACTION REQUEST: Narvaez added that she plans to be in the Washington area during the second half of June, and she will provide post her itinerary when it is set. Post believes that this trip would be an ideal opportunity to arrange meetings for Narvaez with key officials in the Department, the OAS, and other appropriate government and non-government organizations. Post requests the assistance of the Department in developing a list of appropriate and interested contacts now and in scheduling appointments when the dates of Narvaez's travel are set. END ACTION REQUEST.

COMMENT

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19. (C) Aside from the obvious merits of supporting Narvaez as a means of defending human rights and fighting the rampant impunity and corruption that are holding back Nicaragua's democratic and social development, any progress in her case (and associated publicity) could do real damage to Daniel Ortega and his perennial political ambitions. The FSLN is well aware of this and can be expected to respond in a fierce and well-coordinated manner against Narvaez, the USG, and anyone else that promotes her case. However, a sustained and effective effort to promote and publicize the case, particularly to young voters being actively courted by the FSLN, could go a long way to reinforce Ortega's poor public image and ensure his defeat in November. Even if Ortega loses in November, supporting Narvaez in bringing her case to a successful conclusion could end Ortega's political career once and for all, rather than allowing him to rise from the ashes yet again in 2011.

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